

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GEORGE HUMPHRYS, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

TD AMERITRADE HOLDING
CORPORATION and TD AMERITRADE,
INC. F/K/A TD WATERHOUSE
INVESTOR SERVICES, INC.,

Defendants.

Civil Action No. 08-CV-02912

**MOTION OF THE SILVERSTEIN GROUP FOR
(1) APPOINTMENT AS LEAD PLAINTIFF AND
(2) APPROVAL OF THEIR SELECTION OF LEAD COUNSEL**

Sheldon Silverstein and Stephen Stock (collectively referred to as the “Silverstein Group”), by its counsel, hereby respectfully moves this Court to: (i) be appointed Lead Plaintiff in the above-captioned securities class actions; and (ii) approve its selection and retention of Levi & Korsinsky as lead counsel.

In support of this Motion, the Silverstein Group submits herewith a Memorandum of Law, the Declaration of Joseph E. Levi with accompanying exhibits, and a Proposed Order.

DATED: May 19, 2008

/s/ Joseph E. Levi

LEVI & KORSINSKY, LLP

Eduard Korsinsky (EK 8989)

Joseph E. Levi (JL 0848)

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Proposed Lead Counsel for Plaintiff

CERTIFICATE OF SERVICE

Juan E. Monteverde, being duly admitted attorney authorized to appear before the US District Court, Southern District of New York, under penalties of perjury, affirms as follows:

1. I am over eighteen years of age and am not a party to the above referenced matter.

2. On May 19, 2008, I served Notice of Motion, Memorandum in Support, Declaration of Joseph E. Levi in support and [proposed] Order on:

Richard John Morvillo

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ATTORNEYS FOR PLAINTIFF IN THE NEW YORK ACTION

the address designated by said attorneys for that purpose, by depositing a true copy thereof, in a first class pre-paid envelope properly addressed as indicated above.

Dated: New York, NY
May 19, 2008

/s/ Juan E. Monteverde

Juan E. Monteverde